

PUBLIC NOTICE

US Army
Corps
of Engineers
Baltimore
District

In Reply to Application Number
CENAB-OP-R(CORPORATION OF ROMAN
CATHOLIC CLERGYMENNEWTOWN
NECK/ShORE EROSION CONTROL)01-61688-4

Comment Period: February 21, 2001 to March 21, 2001

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

The Baltimore District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344), as described below:

APPLICANT: Corporation of Roman Catholic Clergymen
Attention: Rev. William McGroarty
c/o James R. Gunn
P.O. Box 650
Gloucester, VA 23061

LOCATION: In the Potomac River, Breton Bay, and St. Clement Bay, near the mouth of the Chesapeake Bay at Newtowne Neck, St. Mary's County, Maryland.

WORK: To create a tidal marsh, sill, and breakwater system with windows along approximately 3.9 miles of shoreline by emplacing 1,400 linear feet of cobble sill to extend no more than 40 feet channelward of the approximate mean high water (MHW) shoreline, which is approximately 25 feet channelward of the approximate existing tidal marsh shoreline/open water interface; to create a marsh by depositing approximately 20,670 cubic yards of sloped, clean select sand fill stabilized with Spartina alterniflora and S. patens and 2,650 linear feet of headland breakwaters to extend no more than 120 feet channelward of the approximate MHW shoreline; to create a marsh by depositing approximately 7,865 cubic yards of sloped, clean select sand fill stabilized with Spartina alterniflora and S. patens and 6,050 linear feet of sill to extend no more than 50 feet channelward of the approximate MHW shoreline; to create a marsh by depositing approximately 520 cubic yards of sloped, clean select sand fill stabilized with Spartina alterniflora and S. patens and 400 linear feet of high sill to extend no more than 50 feet channelward of the approximate MHW shoreline; to create a marsh by depositing approximately 7,585 cubic yards of sloped, clean select sand fill stabilized with Spartina alterniflora and S. patens and 2,050 linear feet of low headland breakwater to extend no more than 85 feet channelward of the approximate MHW shoreline; to create a marsh by depositing approximately 3,100 cubic yards of sloped, clean select sand fill stabilized with Spartina alterniflora and S. patens and 3,100 linear feet of marsh sill to extend no more than 50 feet channelward of the approximate MHW shoreline; and to deposit approximately 11,610 cubic yards of sloped clean select fill for 6,450 linear feet of beach nourishment that includes a 5-foot wide marsh fringe landward of the proposed beach, to extend no more than 50 feet channelward of the approximate MHW shoreline. The total project proposes to create over 12 acres of tidal wetlands along the shoreline for long term shore protection designed to withstand the 100-year storm event.

Essential Fish Habitat (EFH) Assessment: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104- 267), requires all Federal agencies to consult with the National Marine Fisheries Service on all

actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect EFH. The Essential Fish Habitat Designations within the Northeast Region (Maine to Virginia) dated March 1, 1999 has identified EFH for a number of species in various life stages. After reviewing the appropriate literature, this waterway has EFH listed for *Paralichthys dentatus* (summer flounder), adult and juvenile, and *Pomatomus saltatrix* (bluefish), juvenile, and *Scophthalmus aquosus* (windowpane flounder), juvenile and adult, managed species under the Magnuson-Stevens Fishery Conservation & Management Act (MSFCMA). A preliminary assessment indicates that the proposed project may have an adverse effect on EFH based on the burial of an approximate 12-acre nearshore shallow water area. The work is proposed in the Potomac River, St. Clement Bay, and Breton Bay near the mouth of the Chesapeake Bay in a high wave energy area channelward of low upland banks with intermittent fringe tidal marshes, tidal creeks, and upland drainages. The nearshore area is shallow water habitat with submerged aquatic vegetation documented along the St. Clement Bay shoreline in recent years. Potential habitat would be buried by emplacement of the proposed stone and marsh creation fill; however, the proposed project area is relatively small compared to the overall EFH area for these species. Studies suggest that bluefish adults and juveniles eat whatever taxa are locally abundant, summer flounder are opportunistic feeders and bury themselves next to edge areas to conceal themselves and ambush prey, and windowpane flounder feed on small crustaceans and various fish larvae, including their own species. Emplacement of the proposed marsh creation and stone erosion control structures would create an edge area and provide a substrate and structure for various species of invertebrates and bait fish, which are some of the prey species. There would be no adverse impact to prey species since they are nektonic and the addition of the proposed work would create habitat for some of the smaller prey species. The aforementioned species are not estuarine resident species and only use the project area on a seasonal basis, primarily in the warmer summer months, as a forage area and nursery area. Consequently, after reviewing the appropriate literature of the MSFCMA, there would be no apparent substantial adverse effect to either the managed species or to their EFH quality and/or quantity, nor to their prey species as a result of this proposed project. Consequently, no EFH conservation measures have been developed. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

The purpose of the work is shoreline erosion control.

All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Ms. Kathy Blagburn at (410) 962-5690.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the Maryland Department of the Environment. Any written comments concerning the work described above which relate to water quality certification must be received by the Standards and Certification Division Maryland Department of the Environment, Building 30, First Floor, 2500 Broening Highway, Baltimore, Maryland 21224 within the comment period as specified above to receive consideration. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified above to receive consideration. The 401 certifying agency has a statutory limit of one year to make its decision.

The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Program. This certification statement is available for inspection in the District Office; however, public comments relating to consistency must be received by the Coastal Zone Division, Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224, within the comment period as specified above. It should be noted that CZ Division has a statutory limit of 6 months in which to make its consistency determination.

The applicant must obtain any State or local government permits which may be required.

A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this

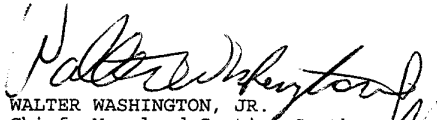
application continues, additional information may become available which could modify this preliminary determination.

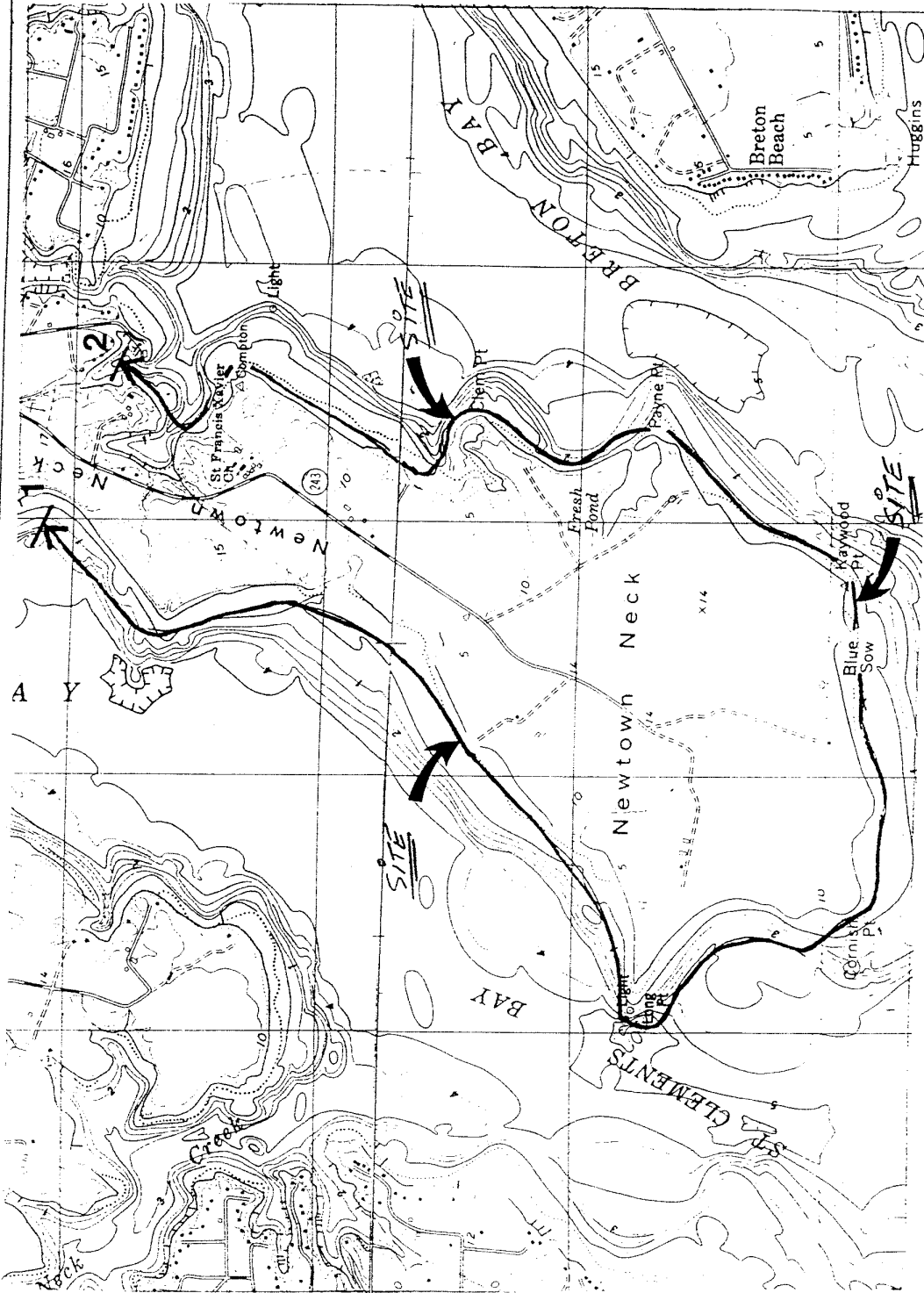
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest which may be adversely affected by this activity in the manner in which the interest may be adversely affected.

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

FOR THE DISTRICT ENGINEER:


WALTER WASHINGTON, JR.
Chief, Maryland Section Southern



ADJACENT PROPERTY OWNERS:

1. ST. FRANCIS
2. H/A

DATUM: MLLW

NEWTOWN NECK SHORELINE PROTECTION PLAN 1" = 200'

PURPOSE:

AT:
N:

APPLICATION BY:

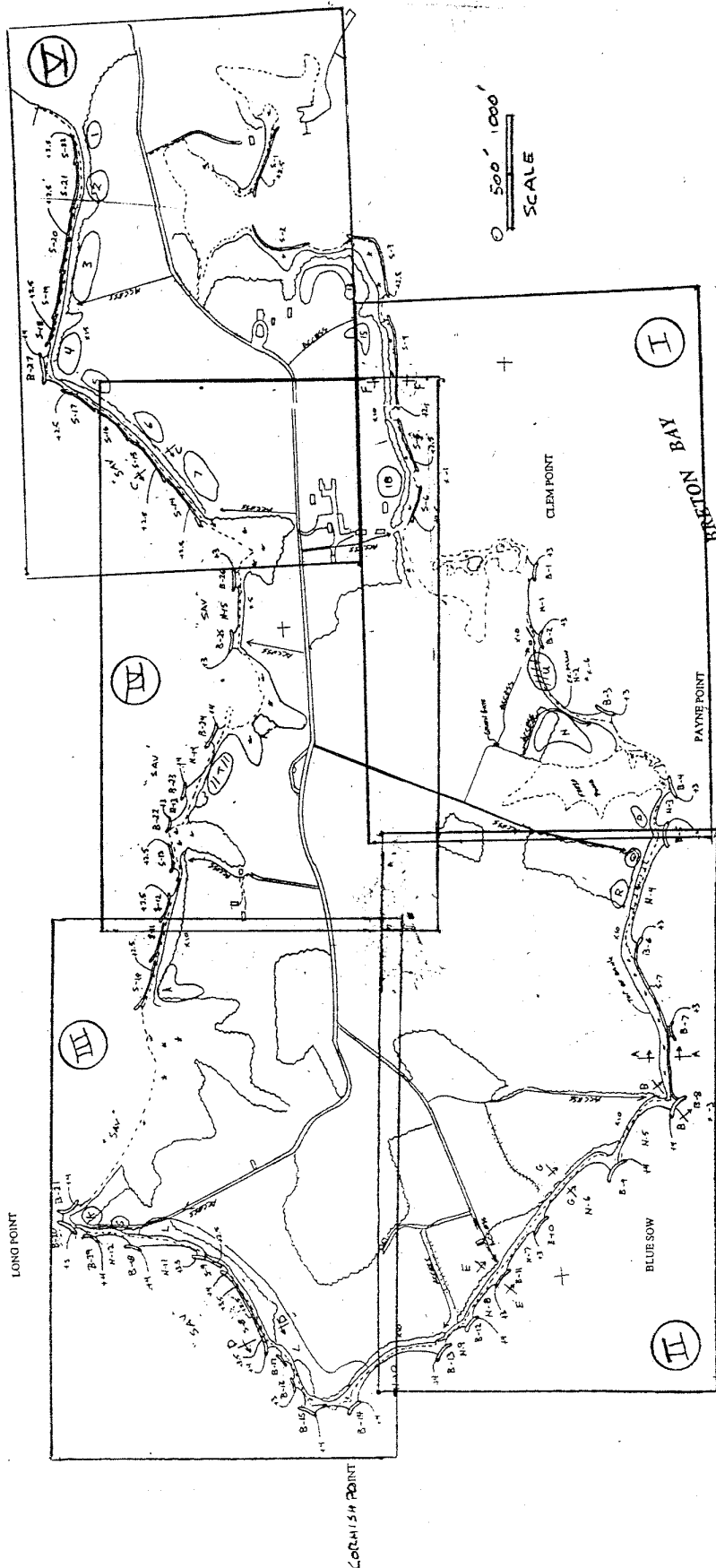
Mc GOWAN

DATE: 1/11/01

SHEET 1 OF 10

ST CLEMENTS BAY

LONG POINT



0 500' 1000'
SCALE



ADJACENT PROPERTY OWNERS:

DATE: 1/11/01

NEWTOWN NECK
SHORELINE PROTECTION PLAN
Overview: Scale as shown

APPLICATION BY:

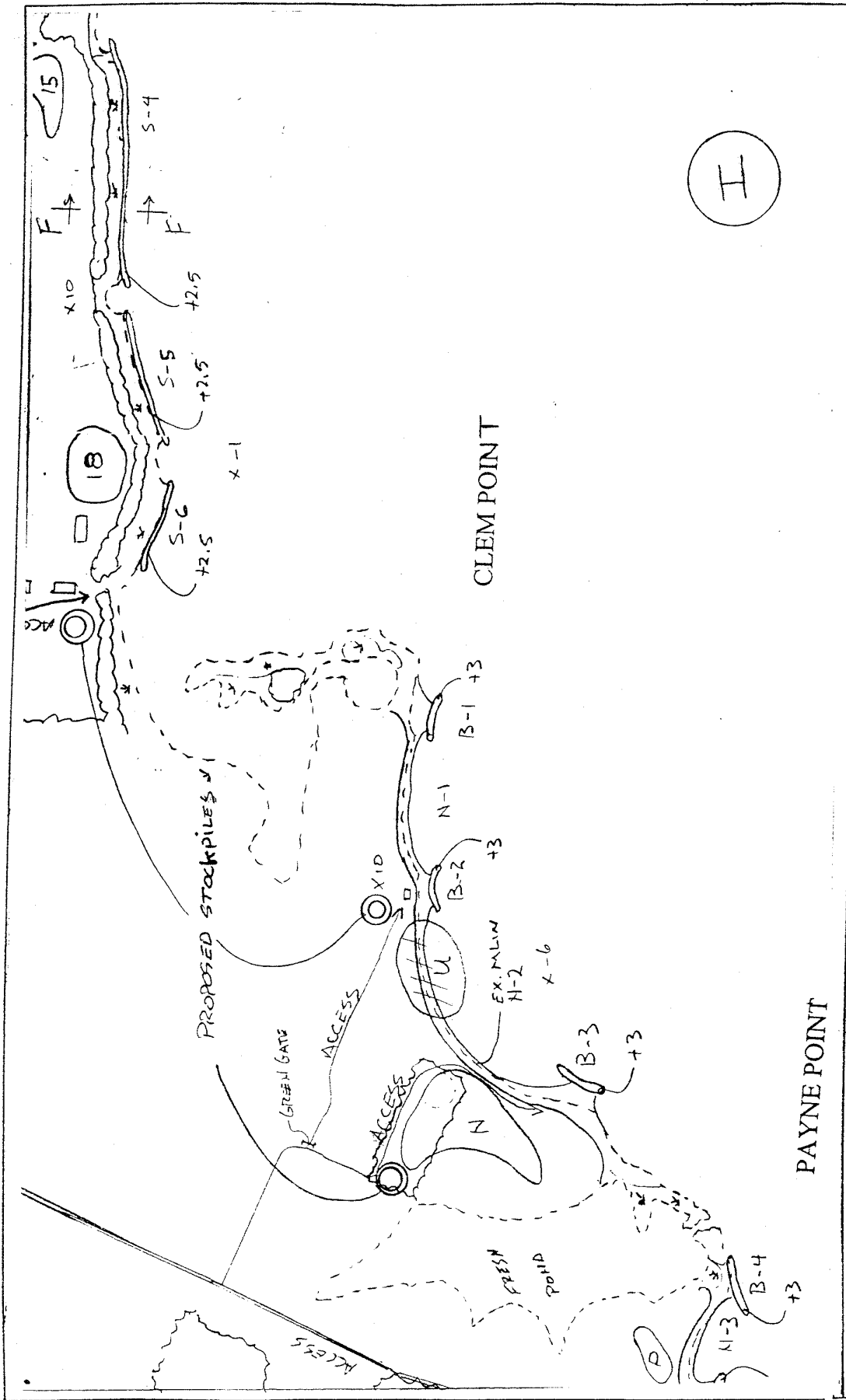
McGOWAN


DATE: 1/11/01

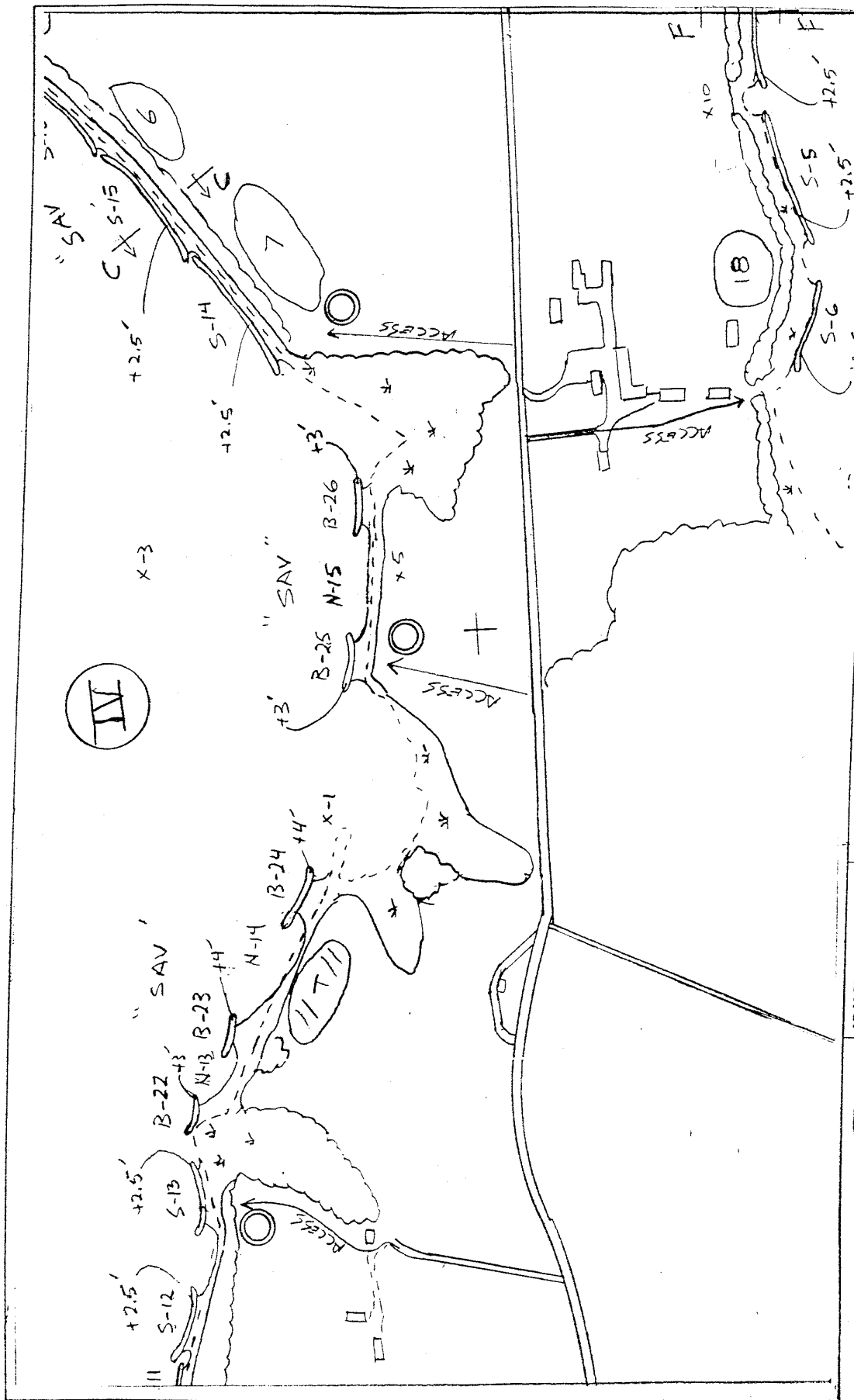
SHEET 2 OF 10

PURPOSE:

AT:
R:



	ADJACENT PROPERTY OWNERS:	NEWTOWN NECK SHORELINE PROTECTION PLAN 1" = 500'	APPLICATION BY: MCGROARTY
DATUM: MLLW	AT: NI	PURPOSE:	DATE: 1/11/01 SHEET 3 OF 10



ADJACENT PROPERTY OWNERS:

DATUM: MLLW

AT:
N:

NEWTOWN NECK
SHORELINE PROTECTION PLAN
1" = 500'

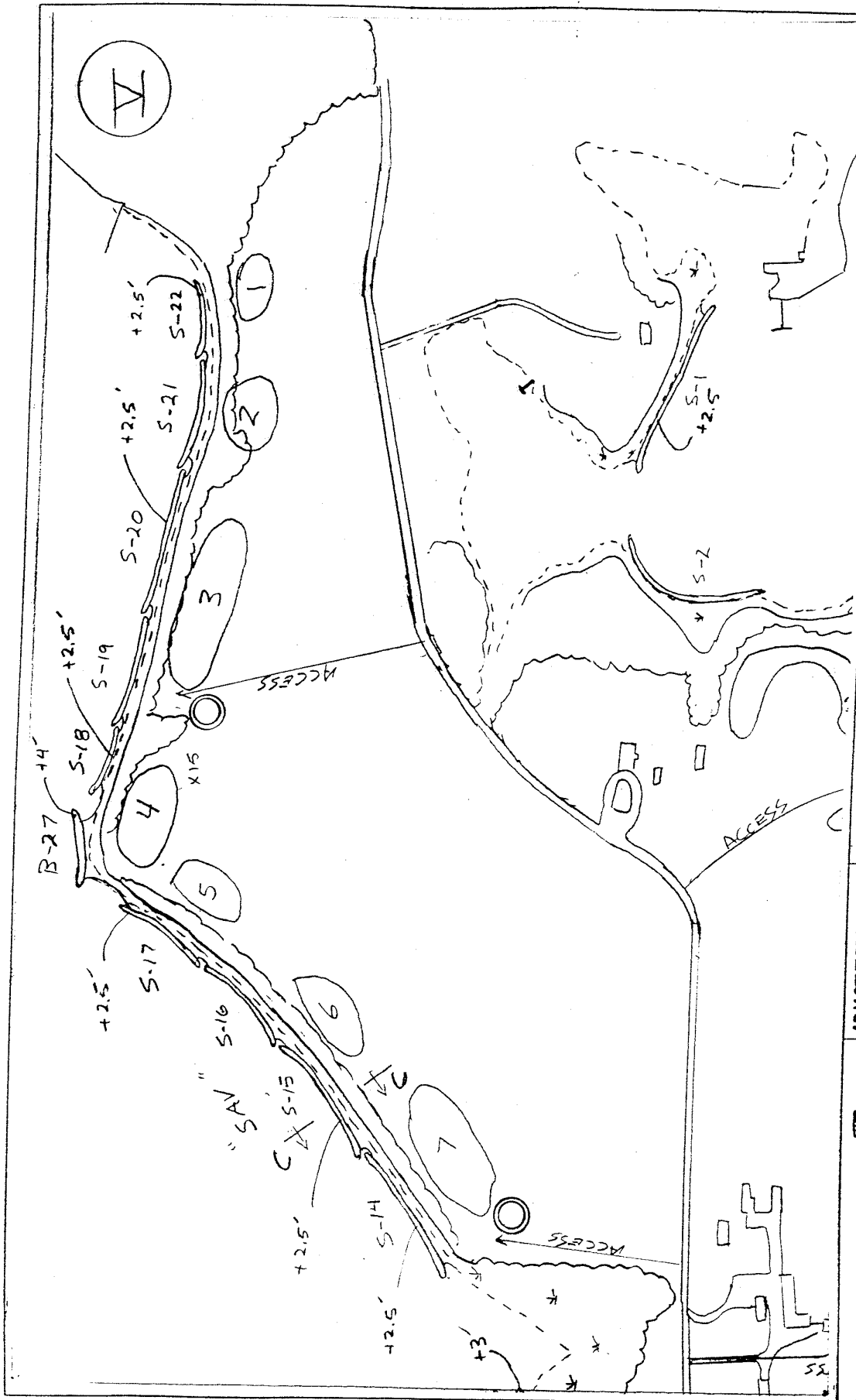
APPLICATION BY:

McGearty

DATE: 11/10/01

SHEET 6 OF 10

PURPOSE:



ADJACENT PROPERTY OWNERS:

DATUM: MLLW

AT: N:

NEWTOWN NECK
SHORELINE PROTECTION PLAN
1" = 500'

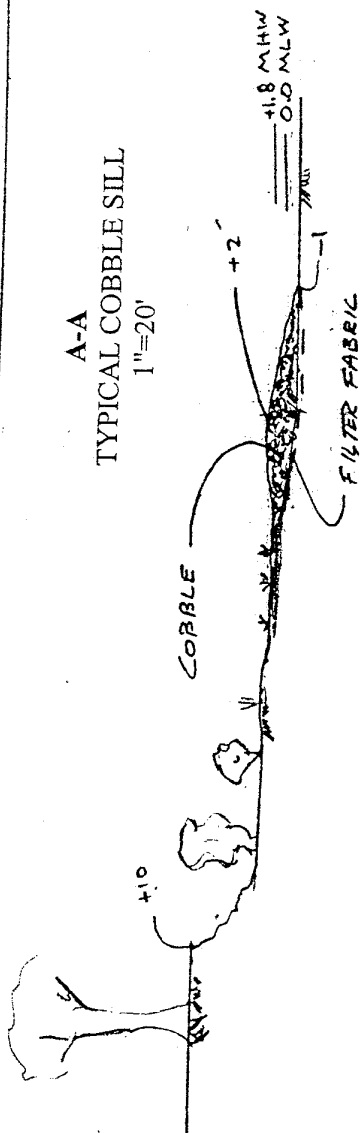
APPLICATION BY:

McGROARTY

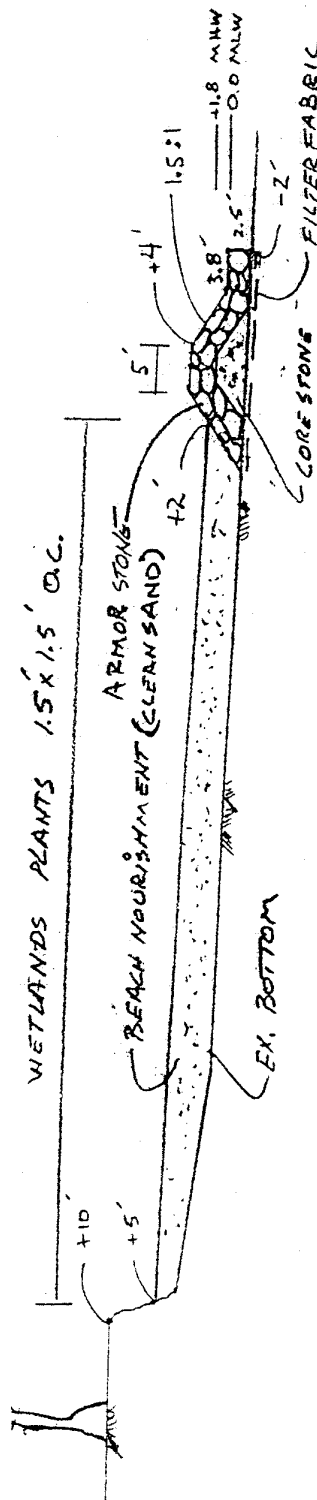
DATE: 1/11/01

SHEET 7 OF 10

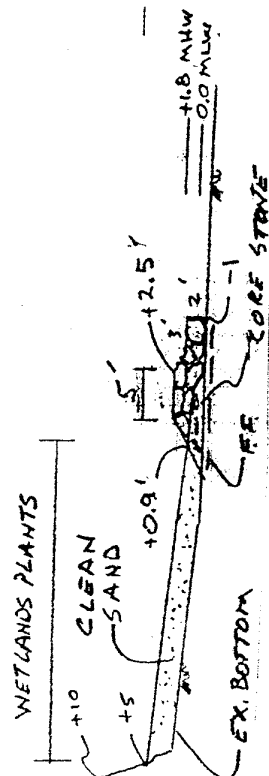
PURPOSE:



A-A
TYPICAL COBBLE SILL
1"=20'



B-B
TYPICAL HEADLAND BREAKWATER
1"=20'



ADJACENT PROPERTY OWNERS:

DATUM: M L W

AT: N:

NEWTOWN NECK
SHORELINE PROTECTION PLAN
CROSS SECTIONS

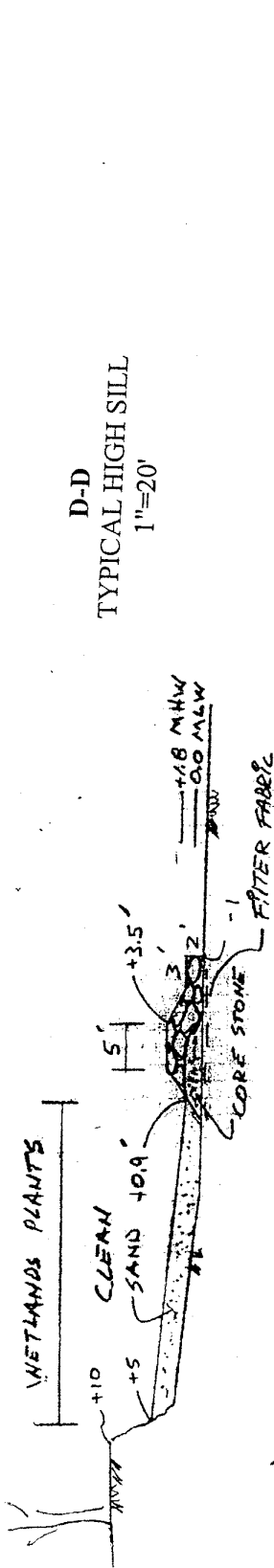
PURPOSE:

APPLICATION BY:

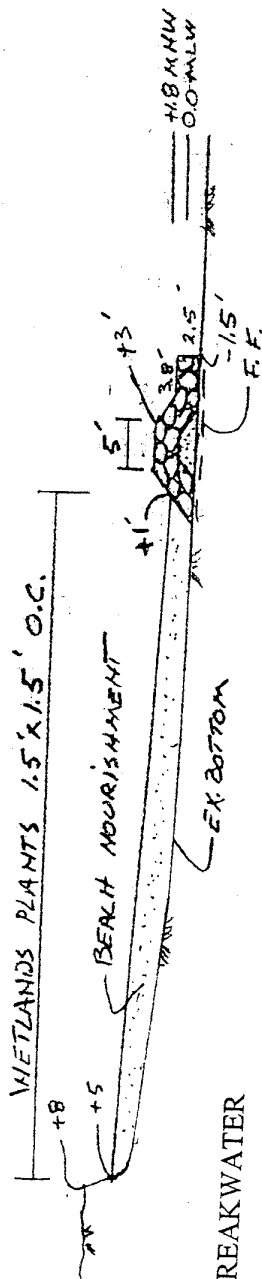
MAC GOWARTY

DATE: 1/11/01

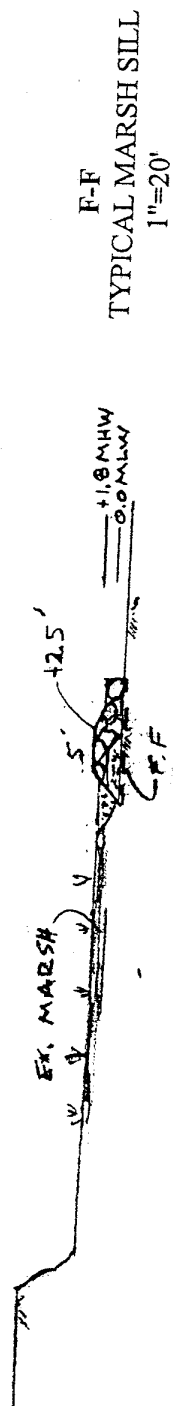
SHEET 8 OF 10



D-D
TYPICAL HIGH SILL
1"=20'



E-E
TYPICAL LOW HEADLAND BREAKWATER
1"=20'



F-F
TYPICAL MARSH SILL
1"=20'



ADJACENT PROPERTY OWNERS:

NEWTOWN NECK
SHORELINE PROTECTION PLAN
CROSS SECTIONS

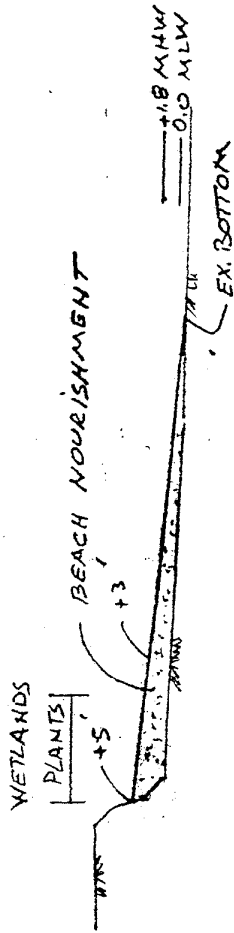
APPLICATION BY:
McGOWAN

AT:
R:

PURPOSE:

DATE: 1/11/01

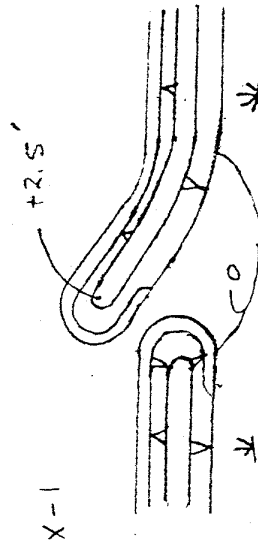
SHEET 9 OF 10



G-G
TYPICAL BEACH NOURISHMENT
1"=20'

GENERAL NOTES

1. Mean tidal range is 1.8 feet. Datum = 0.0 ft MLW
2. Wetlands plants to be planted on 1.5' x 1.5' centers.
3. Wetlands plants: Spartina alterniflora planted from MTL to +2.0 ft MLW.
Spartina patens planted above MHW.
4. All disturbed upland areas will be restored.
5. Access roads will be constructed of sand with pipes installed where road crosses drainages.
6. Duplicate stockpiles are proposed for flexibility for material delivery during adverse weather conditions.



PLAN VIEW: TYPICAL SILL WINDOW
1"=40'



ADJACENT PROPERTY
OWNERS:

DATUM: M L W

AT:
N:

NEWTOWN NECK
SHORELINE PROTECTION PLAN
CROSS SECTIONS & NOTES

PURPOSE:

APPLICATION BY:

McGroarty

DATE: 1/11/01

SHEET 10 OF 10